

REMARKS

In the non-final Office Action, the Examiner requests that formal drawings be provided; rejects claims 26-44 and 85 under 35 U.S.C. § 101 as directed to non-statutory subject matter; rejects claims 1-44 and 85 under 35 U.S.C. § 112, second paragraph, as indefinite; rejects claim 85 under 35 U.S.C. § 102(a) as clearly anticipated by ULRICH (U.S. Patent No. 6,895,438); and rejects claims 1-44 and 85 under 35 U.S.C. § 103(a) as unpatentable over JANG et al. (U.S. Patent No. 6,980,526) in view of ULRICH.

By way of the present amendment, Applicant proposes replacing the current informal drawings with formal drawings. Applicant further amends the specification to improve form. Applicant cancels claims 45-84 without prejudice or disclaimer and amends claims 1, 19-21, 23-26, 38-40, 42-44, and 85 to improve form. No new matter has been added by way of the present amendment. Claims 1-44 and 85 are pending.

In the Office Action, the Examiner requests that formal drawings be provided. In response, Applicant proposes replacing the current informal drawings with formal drawings. No new matter has been added.

Claims 26-44 and 85 stand rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Applicant amends independent claims 26 and 85 herein in accordance with the Examiner's helpful suggestion. Accordingly, Applicant respectfully requests that the rejection of claims 26-44 and 85 be reconsidered and withdrawn.

Claims 1-44 and 85 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Applicant respectfully traverses this rejection.

With respect to claim 1, the Examiner alleges that the scope is not clear (Office Action, pg. 3). Applicant amends claim 1 herein to address the Examiner's concerns. Accordingly, Applicant respectfully requests that the rejection of claim 1 and dependent claims 2-25 under 35 U.S.C. § 112, second paragraph, be reconsidered and withdrawn.

With respect to claim 26, the Examiner alleges that the scope is unclear (Office Action, pg. 3). Applicant amends claim 26 herein in accordance with the Examiner's helpful suggestion. Accordingly, Applicant submits that the scope of claim 26 is clear.

Further with respect to claim 26, the Examiner alleges that the phrase "SIP functionality" is unclear. Applicant respectfully disagrees.

SIP functionality refers to the ability to perform a SIP-related function. For example, a SIP-related function may include establishing a SIP communication between two parties. Thus, Applicant submits that the phrase "SIP functionality" is sufficiently clear.

With respect to claims 26 and 85, the Examiner alleges that the phrase "at least one event" is unclear (Office Action, pg. 3). Applicant respectfully disagrees.

The at least one event recited in claims 26 and 85 refers to an event that may occur in relation to a call. For example, the sending of SIP request messages and SIP response messages are types of events (see, for example, page 5, lines 7-21, of Applicant's specification). For at least these reasons, Applicant submits that the phrase "at least one event" is sufficiently clear. The mere fact that claims 26 and 85 do not recite generating an event does not render the phrase "at least one event" unclear.

For at least the foregoing reasons, Applicant respectfully requests that the

rejection of claims 26 and 85, as well as dependent claims 27-44, under 35 U.S.C. § 112, second paragraph, be reconsidered and withdrawn.

Claim 85 stands rejected under 35 U.S.C. § 102(a) as allegedly clearly anticipated by ULRICH. Applicant respectfully traverses this rejection.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. ULRICH does not disclose or suggest the combination of features recited in claim 85.

For example, independent claim 85 is directed to a tangible computer readable medium having computer executable instructions for performing a method. The method comprises generating at least one call event record in response to at least one event; and creating an XML call event file including the at least one call event record. ULRICH does not disclose or suggest this combination of features.

For example, ULRICH does not disclose or suggest creating an XML call event file including the at least one call event record. ULRICH merely recites that a proxy server is able to directly process communication records' XML metadata tags that identify the message and attachment types, key words, word count, duration, format, manner of encoding, or other attributes of interest without having to cull this information from different sources and media (col. 15, lines 58-63). ULRICH does not disclose or suggest creating an XML call event file that includes at least one call event record that is generated in response to at least one event.

If this rejection is maintained, Applicant respectfully requests that the Examiner

specifically point out where in ULRICH this feature is disclosed.

For at least the foregoing reasons, Applicant submits that claim 85 is not anticipated by ULRICH.

Claims 1-44 and 85 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over JANG et al. in view of ULRICH. Applicant respectfully traverses this rejection.

Independent claim 1 is directed to a method including creating an XML call event file including a server information section, at least one SIP message section, and at least one call event section; generating at least one call event record in response to at least one event; and storing the at least one call event record in either the at least one SIP message section, or the at least one call event section. JANG et al. and ULRICH, whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, JANG et al. and ULRICH do not disclose or suggest creating an XML call event file including a server information section, at least one SIP message section, and at least one call event section. The Examiner appears to admit that JANG et al. does not disclose this feature and relies on ULRICH for allegedly disclosing the above feature of claim 1 (Office Action, pg. 4). Applicant respectfully disagrees with the Examiner's interpretation of ULRICH.

At the outset, Applicant notes that ULRICH does not mention the session initiation protocol (SIP). Therefore, ULRICH cannot disclose or suggest creating an XML call event file that includes at least one SIP message section, as required by claim 1.

Nevertheless, as set forth above, ULRICH discloses a proxy server that is able to directly process communication records' XML metadata tags that identify the message and attachment types, key words, word count, duration, format, manner of encoding, or other attributes of interest without having to cull this information from different sources and media (col. 15, lines 58-63). However, ULRICH in no way discloses or suggests creating an XML call event file including a server information section, at least one SIP message section, and at least one call event section, as required by claim 1.

If this rejection is maintained, Applicant respectfully requests that the Examiner specifically point out where in ULRICH this feature is disclosed.

JANG et al. and ULRICH do not further disclose or suggest storing the at least one call event record in either the at least one SIP message section, or the at least one call event section, as also required by claim 1. The Examiner relies on col. 11, lines 4-8, and col. 5, line 30, of JANG et al. for allegedly disclosing this feature (Office Action, pg. 4). Applicant respectfully disagrees with the Examiner's interpretation of JANG et al.

At col. 11, lines 4-8, JANG et al. discloses:

Once the call connection request is processed and videoconferencing is occurring, at 518, the method includes monitoring the established videoconferencing call. Switch 12 may monitor or record call information related to videoconferencing such as quality, duration of call, etc.

This section of JANG et al. discloses that a switch 12 may monitor or record call information relating to a videoconference. This section of JANG et al. in no way discloses or suggests storing at least one call event record in either the at least one SIP message section, or the at least one call event section of an XML call event file, as

required by claim 1. In fact, JANG et al. does not even mention XML files.

At col. 5, lines 30-32, JANG et al. discloses:

Enterprise video gateway 36 typically includes an emulation module 40 which emulates H.323/SIP call control and firewall functionality and an encryption module 44.

This section of JANG et al. discloses emulating H.323/SIP call control and firewall functionality. This section of JANG et al. in no way discloses or suggests storing at least one call event record in either the at least one SIP message section, or the at least one call event section of an XML call event file, as required by claim 1. In fact, as set forth above, JANG et al. does not even mention XML files.

For at least the foregoing reasons, Applicant submits that claim 1 is patentable over JANG et al. and ULRICH, whether taken alone or in any reasonable combination.

Claims 2-25 depend from claim 1. Therefore, these claims are patentable over JANG et al. and ULRICH, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, these claims recite additional features not disclosed or suggested by JANG et al. and ULRICH.

With respect to claims 2-25, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter." (Office Action, pg. 5). Applicant respectfully disagrees with the Examiner's interpretation of claims 2-25.

Claims 2-25 do not merely recite labels, as the Examiner alleges. For example, claims 10-18 recite different events that cause at least one call event record to be generated. The Examiner does not address these features in the Office Action.

Therefore, a *prima facie* case of obviousness has not been established with respect to

these claims.

If the Examiner maintains the position that claims 2-25 do not recite patentable subject matter, Applicant respectfully requests that the Examiner point to some authority that supports this position.

For at least these additional reasons, Applicant respectfully submits that claims 2-25 are patentable over JANG et al. and ULRICH.

Independent claims 26 and 85 recite features similar to (yet, possibly of different scope than) features recited above with respect to claim 1. Therefore, Applicant submits that claims 26 and 85 are patentable over JANG et al. and ULRICH, whether taken alone or in any reasonable combination, for at least reasons similar to reasons given above with respect to claim 1.

Claims 27-44 depend from claim 26. Therefore, these claims are patentable over JANG et al. and ULRICH, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 26. Moreover, these claims recite additional features not disclosed or suggested by JANG et al. and ULRICH.

With respect to claims 27-44, the Examiner alleges "labels of networks, systems, events and servers are not patentable subject matter." (Office Action, pg. 5). Applicant respectfully disagrees with the Examiner's interpretation of claims 27-44.

Claims 26-44 do not merely recite labels, as the Examiner alleges. For example, claims 29-37 recite different events that cause at least one call event record to be created. The Examiner does not address these features in the Office Action. Therefore, a *prima facie* case of obviousness has not been established with respect to these claims.

If the Examiner maintains the position that claims 27-44 do not recite patentable subject matter, Applicant respectfully requests that the Examiner point to some authority that supports this position.

For at least these additional reasons, Applicant respectfully submits that claims 26-44 are patentable over JANG et al. and ULRICH.

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2347 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Attachment: Formal Drawings